Remarks/Arguments

Claims 2 and 14 are amended to specify the term " wherein an individual buffer, corresponding to an individual video channel, stores sufficient encoded video data to prevent an underflow condition following switching to decode a program conveyed on said individual video channel". Specifically, a splicing constraint is defined as being performed in relation to the pictures or frames that are used for a selected program stream. Support for the amendment is found in the specification on page 5, lines 2-7, page 9, lines 1-22, and in other places.

Claim 4 is amended to eliminate the phrase " that may be decoded by said decoder" from the claim.

Claim 20 is amended to eliminate a comma from the claim.

Claim 21 is cancelled.

No new matter was added to the Claims in view of these amendments.

I. Objection to the Drawings

The Examiner objected to the drawings in view of Claims 8, 9, 11,12, 19, 20, as having claimed elements that not shown in the drawings.

Applicants note that the features of "user channel viewing characteristics" and "viewing history characteristics....use data" are not essential for one skilled in the art to have a proper understanding of the invention (as defined within the definition of 37 C.F.R. 1.83(a)). Such claimed elements should be apparent to one skilled in the art after reviewing the disclosure and specification of the present application without having to amend the present drawings.

If the Examiner is still of the opinion that such claimed features are required for the Application, the Applicant will provide such requested drawings after consultation with the Examiner.

II. 35 U.S.C. 112, first paragraph Rejection

The Examiner rejected Claims 8, 9, 11, 12, 19, and 20 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant disagrees with the Examiner for this rejection.

The term "user channel viewing history characteristics" is disclosed within the context of using one or more of a predetermined user channel and program preference criteria including user favor channel and program data, and/or previously recorded and analyzed user channel navigation patterns and command selection patterns (see specification, page 7, lines 3-30).

Applicant requests that the Examiner remove the rejection to these claims.

III. 35 U.S.C. 112, Second Paragraph Rejection

The Examiner rejected Claim 4 under 35 U.S.C. 112, second paragraph, as being indefinite.

As amended, Claim 4 is in a condition to overcome the Examiner's rejection.

Applicant requests that the Examiner remove the rejection to this claim.

IV. 35 U.S.C. 102 Rejection

The Examiner rejected Claims 1, 2, 4-6, 13, 14, 16, and 17 under 35 U.S.C. 102(e) as being anticipated by Perkins (U.S. Patent # 6,188,729). Applicant disagrees with this ground of rejection.

Claim 1 claims a system that has a processor for "initiating switching to decode a program conveyed on a selected one of said plurality of video channels in response to a user channel selection input". Specifically, the claim is used for controlling the operation of a buffer (or a plurality of buffers) to enable a transition between the decoding of a program in response to a user changing channels.

When performing the transition between channels "an individual buffer, corresponding to an individual video channel, stores sufficient encoded video data to prevent an underflow condition following switching to decode a program conveyed on said individual video channel". This claimed individual buffer is neither disclosed nor suggested in Perkins.

Specifically, Perkins is used for when a "program provider decided to change the data rate at which a given program is encoded". Hence, a change in the data rate of which a given program is encoded is not the same thing as switching between video channels as claimed in Claim 1. The operation of the decoder in Perkins is modified by adjusting the rate, in which data is read out of a buffer (Perkins, col. 5, line 54 to col. 6, line 9). Nothing in Perkins discloses or

suggests that the disclosed invention is used in conjunction with a channel switch as claimed in Claim 1. The same rationale applies to Claim 13 in regard to switching in view of user input, as well.

Applicant also notes that the claimed "splicing constraint" of Claims 2 and 14 is neither disclosed nor suggested in Perkins. The operation of the decoding buffer in Perkins is related to the rate data is read out of such a buffer. The splicing constraint of Claim 2 is related to at least one of a frame of said program, a sequence of frames of said program, a picture of said program, and a group of pictures of said program.

For the forgoing reasons, Applicants assert that Claims 1, 2, 13, and 14 are patentable and request that the Examiner remove the rejection to these claims. For the reasons listed above, Applicants assert that Claims 4-6 and Claims 16 and 17 are allowable as such claims depend on allowable Claims 1 and 13, respectively. Applicants request that the Examiner remove the rejection to Claims 4-6, 16 and 17, as well.

V. 35 U.S.C. 103 Rejection

The Examiner rejected Claims 7-12 and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of Crosby et al. (U.S. Patent 5,933,192, hereafter referred to as 'Crosby'). Applicant disagrees with this ground of rejection.

Claim 10 is directed towards a channel change operation. For the reasons listed above for Claims 1 and 13, Applicants assert that combination of Perkins with Crosby is for a system that operates in view of a rate change (for a specific program) for a decoder buffer. Specifically, neither Perkins not Crosby, alone or in combination, disclose the operation of a having a "predictive processor for predicting a next video channel to be selected by a user and for directing received encoded video data representing a program conveyed on said next video channel to one of said plurality of buffers".

Also, the combined system of Perkins with Crosby operates in view of a change in the rate of a program being delivered, where such a rate change is initiated at the encoder end. Hence, the operation of the decoder described in Perkins is for maintaining the operation of the decoder, in response to the rate change of an encoder.

In contrast, Claim 10 is for a change initiated by a user that only is for the operation of the decoder exclusively. The Invention is for a channel change,

where the system can accordingly predict what channel will be selected and attempt to fill a selected buffer by "directing received encoded video data representing a program conveyed on said next video channel to one of said plurality of buffers". It would be impossible to pre-cache data, as in Perkins, because the prediction algorithm would be for trying to predict how a rate change will occur, not what channel will be selected, as in Claim 10.

The rate change problem of Perkins (with Crosby) is completely different than the problem of predicting what channel may be selected by a user as claimed in Claim 10. Hence, the combined combination of Perkins with Crosby does not anticipate the claimed features of Claim 10.

For the reasons given above, Applicant asserts that Claim 10 is patentable. In addition, Claims 7-9, Claims 11-12, and Claims 18-20 are patentable as such dependent claims depend on Claims 1, 10, and 13, respectively. Applicant requests that the Examiner remove the rejection to Claims 7-12 and 18-20.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Fees for the requested three-month extension, as indicated on the enclosed fee sheet, are to be charged to deposit Account 07-0832. Any additional fees owed in connection with this action are to be charged to this deposit account, as well.

Respectfully submitted,

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